

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRENT MARTINEZ,

Defendant.

8:08CR307

ORDER

Defendant has failed to meet the burden of showing, by clear and convincing evidence pursuant to 18 U.S.C. § 3143 (a) and Fed. R. Crim. P. Rule 32.1(a)(6) that Defendant will appear at court proceedings and will not pose a danger to the safety of any person or the community if released. The Court's findings are based on the evidence presented in court and contained in the court's records, including the allegations within the Petition.

Defendant requests release to treatment at Curtis House, People's City Mission, in Lincoln, Nebraska when a bed becomes available. Defendant's supervising officer and the government do not oppose this request. The court finds the request should be granted.

Accordingly,

IT IS ORDERED:

- 1) Defendant is committed to the custody of the Attorney General for confinement in a corrections facility; the defendant shall be afforded reasonable opportunity for private consultation with counsel; and on order of a court of the United States, or on request of an attorney for the government, the person in charge of the facility shall deliver

Defendant to a United States Marshal for appearance in connection with a court proceeding.

- 2) When a bed becomes available, Defendant shall be released to reside at the Curtis House, People's City Mission, Lincoln, Nebraska and participate in that facility's substance abuse treatment program. While on release, Defendant shall fully comply with all terms and conditions of supervised release which were imposed at sentencing, and he shall further comply with the requirements of Defendant's treatment plan and all rules of the Curtis House facility. If Defendant is discharged from the facility for any reason whatsoever, or leaves the premises of the facility without authorization, Defendant shall promptly report to the supervising officer or to any law enforcement officer. In addition, irrespective of whether Defendant self-reports upon discharge or leaving the facility, the United States Marshal, and/or any law enforcement officer is hereby authorized and ordered to take Defendant into custody and detain Defendant pending a prompt hearing before the court.
- 3) When a bed at Curtis House becomes available, defense counsel shall advise the supervising officer and the court, and shall communicate with the Marshal to arrange for Defendant's release to the Federal Public Defenders Office for transport to the Curtis House.
- 4) Defendant shall appear at a revocation hearing to commence before the Honorable Joseph F. Bataillon, Senior United States District Judge in Courtroom No. 3, United States Courthouse, Omaha, Nebraska, at 1:30 p.m. on January 18, 2018.

Dated this 21st day of November, 2017.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge